

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014070099

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On February 25, 2015, the parties filed a request to continue the dates in this matter because they have reached an agreement in principle resolving all issues but request additional time to execute the settlement agreement.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause. Having considered all relevant facts and circumstances, the request is:

☒ Granted. All dates are vacated. This matter has been pending since June 2014 and multiple prior continuances have been granted. This continuance is only granted at this time to permit the parties time to execute the settlement agreement. The parties are expected to act swiftly to execute the final settlement agreement. The parties should also proceed

under the assumption that no further requests for continuance will be granted. This matter will be set as follows:

Prehearing Conference: April 20, 2015 at 10:00 AM

Due Process Hearing: April 21-23, 2015, and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 25, 2015

/s/

JOY REDMON

Administrative Law Judge

Office of Administrative Hearings